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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

RUSSELL HOWARD LAMB,

Petitioner,

Civil No. 10-511-CL

v.

REPORT AND
RECOMMENDATION

MRS. LISA MOORE,

Respondent.

CLARKE, Magistrate Judge.

Mail from the court sent to petitioner's address of record was returned on November 3, 2010 as undeliverable and "unable to forward." See, Document (#22).

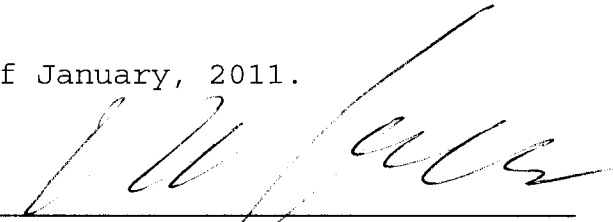
Pursuant to Local Rule 83.10, a party not represented by counsel has a "continuing duty to notify, the clerk's office whenever they change their mailing address or telephone number." When mail from the court to a party cannot be delivered due to the lack of a current address, and the failure continues for sixty (60) days, the court may dismiss

the action. Local Rule 83.12.

Accordingly, petitioner's Petition (#2) should be denied without prejudice. This proceeding should be dismissed for failure to comply with the requirements of Local Rule 83.10 and for failure to prosecute.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have fourteen (14) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this 11 day of January, 2011.



Mark D. Clarke
United States Magistrate Judge